AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions, and listings, of claims in the application:

LISTING OF CLAIMS:

1. (Currently Amended) A resin particle for a toner, the resin particle comprising colorant particles and resin, wherein the resin particle has a structure having a center portion and a functional layer or a structure having a center portion, a functional layer and a surface layer, and the functional layer comprises the colorant particles ~~being~~ contained therein through a miniemulsion method.

2. (Currently Amended) The resin particle of claim 1, wherein the resin particle has a structure having a center portion and a functional layer provided thereon and [[a]] the content of the colorant is in a range from 3 to **[[**16**]]** 14 % by weight with respect to the resin particle for toner.

3. (Canceled)

4. (Canceled)

5. (Original) The resin particle of claim 1, further comprising a wax, the wax being contained through a miniemulsion method.

6. (Original) The resin particle of claim 1, further comprising charge-controlling agent particles, the charge-controlling agent particles being contained through a miniemulsion method.

7. (Currently Amended) A toner, comprising toner particles prepared by aggregating resin particles ~~for toner~~, wherein at least one of the resin particles has a structure having a center portion and a functional layer or a structure having a center portion, a functional layer and a surface layer,

the functional layer ~~resin particles being allowed to contain~~ containing colorant particles provided through a miniemulsion method, and

an average dispersion particle size of the colorant particles in the toner being not more than 200 nm.

8. (Original) The toner of claim 7, wherein a cyan colorant, a magenta colorant or an yellow colorant is contained, and

the toner has a transmission density of not less than 0.9 in the case of a toner adhesion amount of 3.5 g/m^2.

9. (Original) The toner of claim 7, wherein the toner is a black toner, and

the toner has a transmission density of not less than 1.2 in the case of a toner adhesion amount of 3.5 g/m^2.

10. (Original) The toner of claim 7, wherein an average dispersion particle size of the colorant particles in the toner is in a range of 50 to 160 nm.

11. (Original) The toner of claim 7, wherein the colorant particles are contained in the toner particles at not less than 2 % by weight.

12. (Currently Amended) The toner of claim 7, wherein **[[**the**]]** charge controlling agent particles are further contained in the resin particles through a miniemulsion method, and an average dispersion particle size of the charge controlling agent particles in the toner is not more than 300 nm.

13. (Original) The toner of claim 12, wherein the charging quantity fluctuation width caused when the toner is left under L/L environment (10°C, 15 %RH) and H/H environment (30°C, 85 %RH) is not more than 35 μC/g.

14. (Original) The toner of claim 12, wherein the charge controlling agent is contained in the toner particles at not less than 0.5 % by weight.

Claims 15 - 21 (Canceled)

22. (New) The resin particle of claim 1, having a center portion, a functional layer and a surface layer, and wherein the content of the colorant is in a range from 3 to 6% by weight with respect to the resin particle.

23. (New) The resin particle of claim 1, wherein an average dispersion particle size of the colorant particles in the resin particle is not more than 200 nm.

24. (New) A toner comprising toner particles employing a resin particle for the toner, wherein the resin particle has a structure having a center portion and a functional layer provided thereon or a structure having a center portion, a functional layer and a surface layer, wherein the functional layer contains colorant particles provided through a miniemulsion method.

25. (New) The toner of claim 24, wherein a cyan colorant, a magenta colorant or a yellow colorant is present, and the toner has a transmission density of not less than 0.9 in the case of a toner adhesion amount of 3.5 g/m^2.

26. (New) The toner of claim 24, wherein the toner is a black toner, and the toner has a transmission density of not less than 1.2 in the case of a toner adhesion amount of 3.5 g/m^2.

27. (New) The toner of claim 24, wherein an average dispersion particle size of the colorant particles in the toner is in a range of 50 to 160 nm.

28. (New) The toner of claim 24, wherein the colorant particles are contained in the toner particles at not less than 2% by weight.

29. (New) The toner of claim 24, wherein charge controlling agent particles are further contained in the resin particles through a miniemulsion method, and an average dispersion particle size of the charge controlling agent particles in the toner is not more than 300 nm.

30. (New) The toner of claim 29, wherein the charging quantity fluctuation width caused when the toner is left under L/L environment (10°C., 15% RH) and H/H environment (30 °C., 85% RH) is not more than 35 mμC/g.

31. (New) The toner of claim 29, wherein the charge controlling agent is contained in the toner particles at not less than 0.5 by weight.